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PATENT

Attorney Docket No.: 021044-001210US
Rigel Ref. No. P.0071.01.US

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

On Sept 9, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: John K. Townsend

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HITOSHI et al.

Application No.: 10/026,021

Filed: December 21, 2001

For: SAK: MODULATION OF
CELLULAR PROLIFERATION FOR
TREATMENT OF CANCER

Customer No.: 20350

Confirmation No.

Examiner: M. Yu

Technology Center/Art Unit: 1642

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed August 17, 2004, Applicants elect Group II, claims 9-38, drawn to a method of identifying a compound that modulates cellular proliferation by determining the functional effects of the compound upon the SAK polypeptide, classified in class 435, subclass 15.

The foregoing election is made with traverse, as the six groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups I-VI, in particular Group I, would not place a substantially

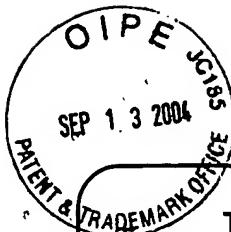
greater burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Annette S. Parent
Reg. No. 42,058

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**TRANSMITTAL
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Total Number of Pages in This Submission

3

Application Number	10/026,021
Filing Date	December 21, 2001
First Named Inventor	Hitoshi, Yasumichi
Art Unit	1642
Examiner Name	M. Yu

Attorney Docket Number

021044-001210US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP	Reg. No. 42,058
Signature		
Date	9/7/04	

CERTIFICATE OF TRANSMISSION/MAILING

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